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- 958.328 Handling regulation.

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SOURCE: 22 FR 26, Jan. 3, 1957, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

Subpart—Order Regulating Handling

DEFINITIONS

§ 958.1 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 958.2 Act.

Act means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as

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amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*, 68 Stat. 906, 1047).

§ 958.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 958.4 Production area.

Production area means all territory included within the boundaries of the County of Malheur in Oregon, and all counties south and southeast of the southern boundary of Idaho County in the State of Idaho.

§ 958.5 Onions.

Onions means all varieties of *Allium cepa*, commonly known as onions, grown, or which may be grown in the production area.

[41 FR 36196, Aug. 27, 1976]

§ 958.6 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier of onions owned by another person) who handles onions.

§ 958.7 Handle.

Handle is synonymous with *ship* and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. Except as otherwise provided in §§ 958.56 and 958.65, this definition of “handle” shall not be applicable to onions that are transported within the production area for grading or storing therein, or to onions that are transported or sold to commercial dehydrators for processing by such dehydrators into dehydrated onion products.

§ 958.8 Grading.

Grading is synonymous with *prepare for market* and means the sorting or separation of onions into grades and sizes for market purposes.

§ 958.9 Grade and size.

Grade means any of the officially established grades of onions, and *size* means any of the officially established sizes of onions, as set forth in:

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(a) The United States Standards for grades of onions (other than Bermuda-Granex and Creole Types) (§§ 51.2830 to 51.2850 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(b) Any other United States Standards, or State of Idaho or Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

The term *size* also includes any of the sizes recognized by the onion trade in the production area.

§ 958.10 Producer.

Producer means any person engaged in the production of onions for market.

§ 958.11 Committee.

Committee means the Idaho-Eastern Oregon Onion Committee established pursuant to § 958.20.

§ 958.12 Fiscal period.

Fiscal period means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 958.13 Variety or varieties.

Variety or *varieties* means and includes all classifications of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 958.14 Export.

Export means shipment of onions beyond the boundaries of continental United States.

§ 958.15 District.

District means each of the geographical divisions of the production area initially established or as reestablished pursuant to § 958.27.

§ 958.16 Pack.

Pack means a quantity of onions in any type of container and which falls within specific weight limits or within specific grade or size limits, or both, as may be recommended by the committee and approved by the Secretary.

§ 958.17 Container.

Container means a sack, box, bag, crate, hamper, basket, carton, package, or any other type of receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

ADMINISTRATIVE COMMITTEE

§ 958.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Onion Committee, consisting of six producer members, four handler members, and one public member is hereby established. Each shall have an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or inability to act, and shall perform other duties as assigned. In the event of the death, removal, resignation or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

[22 FR 26, Jan. 3, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 47 FR 8000, Feb. 24, 1982]

§ 958.21 Procedure.

(a) Seven members of the committee shall be necessary to constitute a quorum and seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for voting by telephone, telegraph, or other means of communication and any such vote shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 958.22 Selection.

The Secretary shall select committee members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

(a) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer, or an officer or employee of a producer, in the district for which selected.